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PATENT  
Attorney Docket No.: 017990-000110US

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Roger A. Allington

Application No.: 09/187,472

Filed: November 6, 1998

For: ROASTING SYSTEM

Customer No.: 20350

Confirmation No. 3109

Examiner: Becker, Drew E.

Technology Center/Art Unit: 1761

APPELLANT'S APPEAL BRIEF  
PURSUANT TO 37 C.F.R. § 1.192(a)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Appellant hereby submits this Appeal Brief in triplicate pursuant to 37 C.F.R. § 1.192(a). The Notice of Appeal was filed by facsimile on September 17, 2004. Pursuant to 37 C.F.R. § 1.192(a), this Appeal Brief was due on November 17, 2004, extensions of time being permitted. As this Appeal Brief is being filed on or before January 18, 2005 (Monday, January 17, 2005 being a federal holiday), it is requested that a two-month extension of time be granted. Accordingly, the Commissioner is hereby authorized to charge Deposit Account No. 20-1430.

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**I. REAL PARTY IN INTEREST**

The real party in interest of the subject patent application is Frederick G. Perkins, dba Perkins & Associates.

**II. RELATED APPEALS AND INTERFERENCES**

There are no related appeals and interferences.

**III. STATUS OF CLAIMS**

Claims 82-111 are pending. Claims 1-81 are cancelled. Claims 82-111 stand rejected. Appellant appeals from the rejection of claims 82-111.

**IV. STATUS OF AMENDMENTS**

An amendment is being filed herewith subsequent to the Office Action mailed June 11, 2004 (the "latest Office Action") in order to correct a minor Section 112 issue in claim 82.

**V. SUMMARY OF THE INVENTION**

A very important aspect of the present invention is that coffee can be roasted in a closed environment, e.g. inside a retail store such as a supermarket, a café, a restaurant, a snack bar, a coffee shop, etc., without polluting or overheating the indoor environment while requiring no ventilation of the exhaust gases to the exterior. The coffee beans are roasted with heated air in a roasting drum. The exhaust air from the roasting drum (which is laden with pollutants and has a high temperature) is substantially completely cleaned and cooled to about room temperature, and continuously discharged into the closed environment surrounding the coffee roaster, while coffee roasting is in progress.

The present invention permits supermarket operators to roast the anticipated daily requirement in the morning (or at another appropriate time) of each day to assure that its customers always get freshly roasted coffee. This, for example, may involve roasting beans in batches of six pounds (page 21, lines 7-9 of application), although larger or lesser amounts may of course be roasted, depending on the anticipated daily demand for particular bean types.

Coffee beans have about 130 different chemical constituents, most of which are not found in ordinary food products. During roasting, heat is quickly and relatively evenly applied to the beans, thereby subjecting the beans to pyrolysis, which transforms some of the chemicals into others, releases pollutants, and further drives off other constituents of the beans (Torbet Declaration attached to Amendment dated February 9, 2001, paragraph 7). Thus, large amounts of pollutants are generated during coffee roasting. Appropriately disposing of the pollutants is difficult. In the past, they were simply discharged to the atmosphere, sometimes with and at other times without pretreating the exhaust gases, for example by burning the pollutants in an afterburner before venting them.

The present invention eliminates the need to vent the polluted exhaust gases from the roaster to the exterior and to employ afterburners or other anti-pollution devices to cleanse the exhaust gases prior to their release. According to the present invention, the exhaust gases from coffee roasting are discharged directly into a closed environment, for example rooms frequented by humans, such as supermarkets, where the method of the present invention is commonly practiced.

The present invention accomplishes this by cleaning the hot exhaust from the roasting chamber so that it is substantially clean and cooling the gases so that they can be discharged directly into the surrounding room without polluting and/or overheating it and rendering it uninhabitable. This is done by simultaneously and continuously performing the steps of roasting the beans and filtering, reheating, cooling and discharging the exhaust into a closed room while roasting is in progress.

#### **VI. ISSUE PRESENTED**

The issue on appeal is:

Are claims 94-95 and 110 obvious in view of Camerini Porzi (U.S. Patent No. 4,849,625) in view of de Vries (U.S. Patent No. 4,284,609)?

Are claims 82-85, 96-97, 102-103 and 108-109 obvious in view of Camerini Porzi in view of de Vries as applied to claims 94-95 and 110, and further in view of WO 96/35335A1 ("WO '335")?

Are claims 86-87, 98-99 and 104-105 obvious in view of Camerini Porzi in view of de Vries and WO '335 as applied to claims 82-85, 96-97, 102-103 and 108-109, and further in view of Grubbs et al. (U.S. Patent No. 4,110,485)?

Are claims 88-89 and 106-107 obvious in view of Camerini Porzi in view of de Vries and WO '335 as applied to claims 82-85, 96-97, 102-103 and 108-109, and further in view of Gell Jr. (U.S. Patent No. 4,494,314)?

Are claims 90 and 111 obvious in view of EP 0040823 in view of de Vries?

Is claim 91 obvious in view of Camerini Porzi in view of de Vries, WO '335 and Grubbs et al. as applied to claims 86-87, 98-99 and 104-105, and further in view of Scher et al., (U.S. Patent No. 5,062,066)?

Is claim 92 obvious in view of Camerini Porzi in view of WO '335, Grubbs et al., Scher et al. and de Vries as applied to claim 91, and further in view of Helbling (U.S. Patent No. 5,158,793)?

Is claim 93 obvious in view of Camerini Porzi in view of WO '335, Grubbs et al., Scher et al. and de Vries as applied to claim 91, and further in view of Gell Jr.?

Are claims 100-101 obvious in view of Camerini Porzi in view of de Vries, WO '335 and Grubbs et al. as applied to claims 86-87, 98-99 and 104-105, and further in view of Gell Jr.?

## **VII. GROUPING OF THE CLAIMS**

Appellant submits that claims 83-89 depend on independent claim 82 and recite additional features that further distinguish the claimed invention from the prior art. However, for purposes of this Appeal, claims 83-89 may stand or fall on independent claim 82.

Appellant submits that claims 92-93 depend on independent claim 91 and recite additional features that further distinguish the claimed invention from the prior art. However, for purposes of this Appeal, claims 92-93 may stand or fall on independent claim 91.

Appellant submits that claims 95-101 depend on independent claim 94 and recite additional features that further distinguish the claimed invention from the prior art. However, for purposes of this Appeal, claims 95-101 may stand or fall on independent claim 94.

Appellant submits that claims 103-109 depend on independent claim 102 and recite additional features that further distinguish the claimed invention from the prior art. However, for purposes of this Appeal, claims 103-109 may stand or fall on independent claim 102.

Appellant submits that independent claims 90, 110 and 111 recite additional features that should be considered.

### **VIII. ARGUMENT**

To establish a prima facie case of obviousness, three basic criteria must be met. First, the Examiner must identify prior art declaring all the salient elements recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Third, there must be a reasonable expectation that once combined, the elements will work as expected. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. In *Re Vaeck*, 947 F.2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991).

As will become apparent herein, it is respectfully submitted that all of the elements recited in Appellant's claims are not taught or even suggested in Porzi, deVries or WO96/35335 A1 ('335). Specifically, these references, nor any of the other cited references, disclose at least a portion of the exhaust air being discharged into a room where people may be present. Furthermore, none of the references disclose trying to achieve a desired aroma, placing coffee roasters at multiple geographically separate locations or in a supermarket. Therefore, even when the disclosures of the cited references are combined, one skilled in the art does not arrive at Appellant's invention because key elements of the claimed invention are missing.

Furthermore, there is no teaching, suggestion or motivation in any of the cited references to modify them in a way that would allow them to be combined to arrive at Appellant's invention. None of them are interested in providing coffee roasters within a building where at least a portion of the exhaust air is discharged into a room where people may be

present. None of them are interested in achieving a desired aroma. None of them are interested in placing coffee roasters at multiple geographically separate locations or supermarkets.

As noted above none of the references disclose discharging at least a portion of exhaust air into an interior of a building frequented by humans, while reheating and recirculating the relatively major portion of the exhaust portion of the exhaust air for further use during roasting. Porzi has no disclosure concerning the manner in which polluted air is processed and discharged because Porzi is not concerned with the constituents of the exhaust, how the exhaust is processed, and how it is discharged. The WO '335 reference appears to conform in substance to U.S. patent 5,928,697. WO '335, as well as the '697 patent, disclose the use of a catalytic converter to help reduce the pollutants in the exhaust before it is discharged to the atmosphere. While the Examiner tries to rely on deVries for teaching a method of cleaning exhaust air from a coffee roaster by removing pollutants from the exhaust air and cooling the exhaust air to 100°F, nowhere does deVries disclose discharging any of the exhaust air into an area frequented by humans. The Examiner goes on to admit this and then relies on WO96/35335 A1. However, the WO '335 reference discloses discharging air into the atmosphere through, for example, a chimney. (See corresponding U.S. Patent No. 5,928,697 at column 4, lines 11-13). Indeed, as one reads the reference, the '335 reference is concerned with dealing with legislative requirements for treating the exhaust air prior to its emission. Thus, there is simply no teaching or suggestion to one skilled in the art to discharge any portion of the exhaust air, clean or otherwise, into a closed environment that may be frequented by humans. All the '335 reference is concerned with is improving air quality for discharging into the atmosphere, i.e. a large open area, as opposed to a confined, enclosed area. This is further evidenced by the fact that the '335 reference makes no mention of cooling the gas to allow for venting into a room.

Indeed, all of the references relied upon by the Examiner deal with coffee roasting or air purification on a large scale and purification of the exhaust gases into a large open area as opposed to a smaller scaled operation that will exhaust the gases or air into a closed environment frequented by humans. Indeed, in the only section wherein deVries discusses using his system with coffee roasting, he points out that the emissions may contain fumes and odors of such intensity that they could be quite unpleasant. deVries then goes on to teach that many of the

fumes and odor producing compounds are soluble in water and are at least partially removed in the humidification and condensation steps of his process. He discloses that additional odor removal may be obtained by the incorporation of a reactive chemical such as sodium hypochlorite in the water spray used for humidification. (See col. 9, lines 44-54) Thus, once again, there is no teaching or motivation here to entice one skilled in the art to use the teachings of deVries on such a large scale to combine with a coffee roaster that is placed within a confined area and exhausts air into a confined area frequented by humans.

Finally, none of the references disclose or even suggest a method of roasting to achieve a desired aroma. This is probably true since none are interested in discharging the aroma into a confined area frequented by humans.

Thus, for at least the above reasons, it is respectfully submitted that Claim 82, which includes, among other things, " filtering substantially all pollutants from the heated air following the roasting step; thereafter reheating and recirculating a major portion of the substantially pollutant-free air over the fresh coffee beans to thereby continue roasting; cooling a minor portion of the filtered air to no more than about 115° F and discharging the cooled minor portion of the air into an interior of a building frequented by humans while reheating and recirculating the relatively major portion of the air for further use during roasting," is allowable.

Likewise, for at least the above reasons, claim 90, which includes, among other things, " cleaning the heated air after it has passed the fresh beans so that the air is substantially pollutant-free; cooling the air after the air has passed the fresh beans to no more than about 115° F while continuing flowing the heated air over the fresh beans; discharging the cooled, pollutant-free air into a substantially closed room frequented by humans," is allowable.

Additionally, for at least the above reasons, claim 91 which is directed to "a method for uniformly roasting coffee beans at a plurality of geographically separate locations," and which includes, among other things, " placing a roasting machine at each location inside an enclosed room frequented by humans" and " removing from the used air substantially all debris, smoke, oil, and other pollutants in a filtration system; after the step of removing, cooling the used air, discharging the at least a portion of the cooled air into the enclosed room while continuing heating the fresh beans," is allowable.

Furthermore, for at least the above reasons, claim 94, which includes, among other things, "while flowing heated air over the fresh coffee beans, removing substantially all pollutants from the air downstream of the fresh coffee beans being heated in a filtration system, cooling at least a portion of the air downstream of the fresh coffee beans to no more than about 115° F, and thereafter, while continuing to flow heated air over the fresh coffee beans, exhausting the cooled air directly into a room of a building without recirculating any part of the cooled air into the filtration system," is allowable.

Additionally, for at least the above reasons, claim 102, which includes, among other things, "establishing the degree to which the coffee beans must be roasted to attain a desired aroma by determining a first parameter which comprises at least one of a color and a degree of darkness which the coffee beans must have to yield the desired aroma" and "adjusting the roasting step when the second parameter indicates that a deviation from the predetermined development of the first parameter occurred to thereby reestablish the predetermined development of the second parameter," is allowable.

Furthermore, for at least the above reasons, claim 110, which is directed to "a method of roasting coffee beans in a supermarket located inside a building," which includes, among other things, "while flowing heated air over the fresh coffee beans removing substantially all pollutants from the air downstream of the fresh coffee beans being heated, cooling the air downstream of the fresh coffee beans to no more than about 115° F, and thereafter, while continuing to flow heated air over the fresh coffee beans, exhausting the cooled air into the supermarket," is allowable.

Finally, for at least the above reasons, claim 111, which is directed to "a method of automatically roasting coffee beans to attain a predetermined, desired coffee aroma," which includes, among other things, "roasting a sample of the beans inside a supermarket to a degree at which coffee made with the beans exhibits the desired aroma" and "cleaning the heated air after it has passed the fresh beans so that the air is substantially pollutant-free; cooling the air after the air has passed the fresh beans to no more than about 115° F while continuing flowing the heated air over the fresh beans; and discharging the cooled, pollutant-free, room temperature air into the supermarket," is allowable.



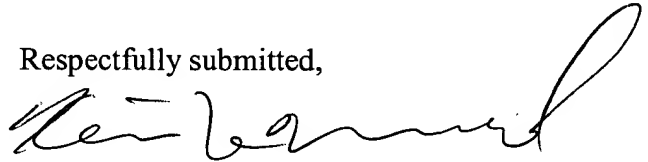
Thus, it is apparent that since several aspects of Appellant's invention are not disclosed by the cited references, they cannot be combined to arrive at Appellant's invention as recited in the claims. Furthermore, none of the cited references provide motivation to one skilled in the art to modify their teachings to arrive at Appellant's invention as recited in the claims. Accordingly, it is requested that the rejection of the claims be reversed.

**CONCLUSION**

In view of the foregoing arguments, Appellant respectfully requests that the obviousness rejections as to all pending claims be reversed.

Please deduct the requisite fee, pursuant to 37 CFR Section 1.17(c) of \$500.00 from deposit account 20-1430 and any additional fees associated with this Brief. This Brief is submitted in triplicate.

Respectfully submitted,



Kevin T. LeMond  
Reg. No. 35,933

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
Attachments  
KTL:ldr  
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## **CLAIMS APPENDIX**

Claims 1-81 canceled.

82. A method of roasting coffee beans comprising the steps of:

establishing the degree to which the coffee beans must be roasted to attain a desired aroma;

generating a measurable first parameter which is indicative that the coffee beans have been sufficiently roasted to yield the desired aroma;

storing the first parameter; roasting fresh coffee beans at a roasting temperature by flowing heated air over the fresh coffee beans;

filtering substantially all pollutants from the heated air following the roasting step;

thereafter reheating and recirculating a major portion of the substantially pollutant-free air over the fresh coffee beans to thereby continue roasting;

cooling a minor portion of the filtered air to no more than about 115° F and discharging the cooled minor portion of the air into an interior of a building frequented by humans while reheating and recirculating the major portion of the air for further use during roasting;

monitoring a second parameter which is compatible with the first parameter and is generated by the fresh coffee beans during roasting;

upon detecting a match between the first and second parameters, discontinuing the roasting step; and

wherein the steps of roasting, filtering, reheating, recirculating, cooling and discharging are simultaneously and continuously performed while roasting is in progress.

83. A method according to claim 82 wherein the first parameter is one of the color and darkness of the coffee beans and the second parameter is one of the color and darkness of the fresh coffee beans during roasting.

84. A method according to claim 82 wherein the steps of roasting, filtering, reheating, recirculating, cooling and discharging are simultaneously and continuously performed while roasting is in progress;

including adjusting the step of discontinuing the roasting of the fresh coffee beans as a function of at least one of the roasting temperature and atmospheric pressure.

85. A method according to claim 82 wherein the step of monitoring comprises making a spectral analysis of the fresh coffee beans during the roasting step.

86. A method according to claim 85 wherein the step of making a spectral analysis comprises directing a laser beam onto the fresh coffee beans during the roasting step.

87. A method according to claim 86 wherein the laser beam has a wavelength in the range of between about 600 to 800 nm.

88. A method according to claim 82 further comprising the steps of providing a multiplicity of different coffee bean types, establishing and storing the first parameter for each coffee bean type, prior to the roasting step selecting one of the multiplicity of coffee bean types for roasting; and wherein the step of discontinuing is carried out when there is a match between the first parameter for the selected coffee bean type and the second parameter.

89. A method according to claim 88 further comprising the step of establishing a plurality of first parameters for at least one of the multiplicity of coffee bean types, each of which defines a different degree to which the coffee beans must be roasted to attain correspondingly differing desired aromas; prior to the roasting step selecting one of the plurality of first parameters for the at least one coffee bean type; and wherein the step of discontinuing is performed when the second parameter matches the selected one of the first parameters.

90. A method of automatically roasting coffee beans to attain a predetermined, desired coffee aroma, the method comprising the steps of:

roasting a sample of the beans to a degree at which coffee made with the beans exhibits the desired aroma;

sensing one of a color and a darkness of the beans when the beans have reached the degree of roasting and from the sensed color or darkness generating a first parameter which is indicative of the sensed color or darkness of the bean sample;

storing the first parameter; thereafter roasting a batch of more than one pound of fresh beans by flowing heated air over the fresh beans;

cleaning the heated air after it has passed the fresh beans so that the air is substantially pollutant-free;

cooling the air after the air has passed the fresh beans to no more than about 115° F while continuing flowing the heated air over the fresh beans;

discharging the cooled, pollutant-free air into a substantially closed room frequented by humans;

monitoring one of the color and darkness of the fresh beans being roasted and generating a second parameter which is indicative of a color or darkness of the fresh beans;

comparing the first and second parameters during roasting of the fresh beans;

terminating the roasting of the fresh beans when the first and second parameters match; and

wherein the steps of roasting, cleaning, cooling and discharging are simultaneously and continuously performed while roasting is in progress.

91. A method for uniformly roasting coffee beans at a plurality of geographically separate locations, the method comprising:

placing a roasting machine at each location inside an enclosed room frequented by humans;

equipping each roasting machine with a roasting container for holding fresh beans while the beans are being roasted, a hot air supply for heating the fresh beans to a roasting temperature, and an air removal system for directing used air away from the container;

removing from the used air substantially all debris, smoke, oil, and other pollutants in a filtration system;

after the step of removing, cooling the used air, discharging the at least a portion of the cooled air into the enclosed room while continuing heating the fresh beans;

recirculating a remaining portion of the cooled air to the hot air supply;

directing a laser light beam of a frequency in the range of between about 600-800 nm onto the beans in the container during roasting;

generating an output signal from laser light reflected by the beans which is a function of the observed darkness of the beans;

providing each roasting machine with a computer including a memory; feeding the output signal to the computer;

at a central control station determining an optimal darkness for each bean type that will be roasted by the roasting machines;

at the control station generating a control signal which reflects the optimal darkness of each roasted bean type;

downloading the control signal from the central control station to the computer of each roasting machine;

during roasting at any given roasting machine comparing the control signal stored in the associated memory with the output signal generated by the instrument; when the compared signals match, generating a command signal; and

using the command signal to terminate the roasting of the beans in the container;

wherein the steps of removing, cooling, discharging and recirculating are simultaneously and continuously performed while roasting is in progress.

92. A method according to claim 91 further comprising the steps of:

keeping an inventory of fresh beans proximate each roasting machine;

monitoring the size of the fresh bean inventory;

generating a low-inventory signal when the fresh bean inventory drops below a predetermined level;

transmitting the inventory control signal to the central control station; and

transferring additional fresh beans to the roasting machine which generated the low-inventory signal upon receipt thereof at the control station.

93. A method according to claim 91 wherein each roasting machine has a plurality of different fresh bean types which can be roasted and wherein the method further comprises the steps of:

generating an optimal darkness signal for each bean type at the control station; downloading each darkness signal to the computers of the roasting machines of the system; and,

during roasting at any given one of the roasting machines, comparing the output signal from the instrument with the stored darkness signal which corresponds to the bean type being roasted in the container.

94. A method of roasting coffee beans comprising the steps of:

establishing the degree to which the coffee beans must be roasted to attain a desired aroma;

generating a measurable first parameter which is indicative that the coffee beans have been sufficiently roasted to yield the desired aroma;

storing the first parameter;

roasting a batch of more than one pound of fresh coffee beans at a roasting temperature by flowing heated air over the fresh coffee beans;

while flowing heated air over the fresh coffee beans, removing substantially all pollutants from the air downstream of the fresh coffee beans being heated in a filtration system, cooling at least a portion of the air downstream of the fresh coffee beans to no more than about 115° F, and thereafter, while continuing to flow heated air over the fresh coffee beans, exhausting the cooled air directly into a room of a building without recirculating any part of the cooled air into the filtration system;

monitoring a second parameter which is compatible with the first parameter and is generated by the fresh coffee beans during roasting; and,

upon detecting a match between the first and second parameters, discontinuing the roasting step.

95. A method according to claim 94 wherein the first parameter is one of the color and darkness of the coffee beans and the second parameter is one of the color and darkness of the fresh coffee beans during the roasting step.

96. A method according to claim 94 including adjusting the step of discontinuing the roasting of the fresh coffee beans as a function of at least one of the roasting temperature and atmospheric pressure.

97. A method according to claim 94 wherein the step of monitoring comprises making a spectral analysis of the fresh coffee beans during the roasting step.

98. A method according to claim 97 wherein the step of making a spectral analysis comprises directing a laser beam onto the fresh coffee beans during the roasting step.

99. (New) A method according to claim 98 wherein the laser beam has a wavelength in the range of between about 600 to 800 nm.

100. A method according to claim 99 further comprising the steps of providing a multiplicity of different coffee bean types, establishing and storing the first parameter for each coffee bean type, prior to the roasting step selecting one of the multiplicity of coffee bean types for roasting; and wherein the step of discontinuing is carried out when there is a match between the first parameter for the selected coffee bean type and the second parameter.

101. A method according to claim 100 further comprising the step of establishing a plurality of first parameters for at least one of the multiplicity of coffee bean types, each of which defines a different degree to which the coffee beans must be roasted to attain correspondingly differing desired aromas; prior to the roasting step selecting one of the plurality of first parameters for the at least one coffee bean type; and wherein the step of discontinuing is performed when the second parameter matches the selected one of the first parameters.

102. A method of roasting coffee beans comprising the steps of:

establishing the degree to which the coffee beans must be roasted to attain a desired aroma by determining a first parameter which comprises at least one of a color and a degree of darkness which the coffee beans must have to yield the desired aroma;

generating at least one second parameter which reflects a predetermined development of the first parameter during a roasting of the coffee beans;

storing the parameters;

roasting fresh coffee beans at a roasting temperature;

monitoring the first parameter during roasting and discontinuing the roasting step when the coffee beans reaches the first parameter;

monitoring the at least one second parameter during roasting; and

adjusting the roasting step when the second parameter indicates that a deviation from the predetermined development of the first parameter occurred to thereby reestablish the predetermined development of the second parameter.

103. A method according to claim 102 wherein the second parameter comprises at least one of the roasting temperature and atmospheric pressure.

104. A method according to claim 102 wherein the step of monitoring the first parameter comprises directing a laser beam onto the fresh coffee beans during the roasting step.

105. A method according to claim 104 wherein the laser beam has a wavelength in the range of between about 600 to 800 nm.

106. A method according to claim 102 further comprising the steps of providing a multiplicity of different coffee bean types, establishing and storing the first parameter for each coffee bean type, prior to the roasting step selecting one of the multiplicity of coffee bean types for roasting; and wherein the step of discontinuing is carried out when the coffee beans reach the first parameter for the selected coffee bean type.

107. A method according to claim 106 further comprising the step of establishing a plurality of first parameters for at least one of the multiplicity of coffee bean types, each of which defines a different degree to which the coffee beans must be roasted to attain correspondingly differing desired aromas; prior to the roasting step selecting one of the plurality of first parameters for the at least one coffee bean type; and wherein the step of discontinuing is performed when the coffee beans reach the selected one of the first parameters.

108. A method according to claim 102 wherein the roasting step comprises flowing heated air over the fresh coffee beans, and including the steps of removing substantially all pollutants from the air downstream of the fresh coffee beans being heated, cooling the air downstream of the fresh coffee beans to no more than about 115° F, and thereafter exhausting the cooled air into an enclosed room of a building.

109. A method according to claim 102 wherein the step of roasting includes flowing heated air over the fresh coffee beans, and including the steps of filtering substantially



all pollutants from the heated air following the roasting step, thereafter reheating and recirculating a major portion of the substantially pollutant-free air over the fresh coffee beans to thereby continue the roasting step; and discharging a minor portion of the filtered air prior to reheating and recirculating the major portion of the air.

110. A method of roasting coffee beans in a supermarket located inside a building, the method comprising the steps of:

establishing the degree to which the coffee beans must be roasted to attain a desired aroma;

generating a measurable first parameter which is indicative that the coffee beans have been sufficiently roasted to yield the desired aroma;

storing the first parameter; roasting fresh coffee beans at a roasting temperature by flowing heated air over the fresh coffee beans;

while flowing heated air over the fresh coffee beans removing substantially all pollutants from the air downstream of the fresh coffee beans being heated, cooling the air downstream of the fresh coffee beans to no more than about 115° F, and thereafter, while continuing to flow heated air over the fresh coffee beans, exhausting the cooled air into the supermarket;

monitoring a second parameter which is compatible with the first parameter and is generated by the fresh coffee beans during roasting; and,

upon detecting a match between the first and second parameters, discontinuing the roasting step.

111. A method of automatically roasting coffee beans to attain a predetermined, desired coffee aroma, the method comprising the steps of:

roasting a sample of the beans inside a supermarket to a degree at which coffee made with the beans exhibits the desired aroma;

sensing one of a color and a darkness of the beans when the beans have reached the degree of roasting and from the sensed color or darkness generating a first parameter which is indicative of the sensed color or darkness of the bean sample; storing the first parameter;

thereafter roasting fresh beans by flowing heated air over the fresh beans;

cleaning the heated air after it has passed the fresh beans so that the air is substantially pollutant-free;

cooling the air after the air has passed the fresh beans to no more than about 115° F while continuing flowing the heated air over the fresh beans;

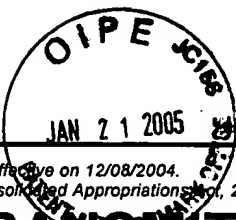
discharging the cooled, pollutant-free, room temperature air into the supermarket; monitoring one of the color and darkness of the fresh beans being roasted and generating a second parameter which is indicative of a color or darkness of the fresh beans; and

comparing the first and second parameters during roasting of the fresh beans; and terminating the roasting of the fresh beans when the first and second parameters match.

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## TABLE OF CONTENTS

	<u>Page</u>
<b>I. REAL PARTY IN INTEREST .....</b>	<b>2</b>
<b>II. RELATED APPEALS AND INTERFERENCES .....</b>	<b>2</b>
<b>III. STATUS OF CLAIMS .....</b>	<b>2</b>
<b>IV. STATUS OF AMENDMENTS .....</b>	<b>2</b>
<b>V. SUMMARY OF THE INVENTION .....</b>	<b>2</b>
<b>VI. ISSUE PRESENTED .....</b>	<b>3</b>
<b>VII. GROUPING OF THE CLAIMS .....</b>	<b>4</b>
<b>VIII. ARGUMENT .....</b>	<b>5</b>
<b>CONCLUSION .....</b>	<b>9</b>
<b>Claims Appendix .....</b>	<b>10</b>



Effective on 12/08/2004.  
Enacted pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 500

**Complete if Known**

Application Number	09/187,472
Filing Date	November 6, 1998
First Named Inventor	Allington, Roger A.
Examiner Name	Becker, Drew E.
Art Unit	1761
Attorney Docket No.	017990-000110US

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES Small Entity		SEARCH FEES Small Entity		EXAMINATION FEES Small Entity		Fees Paid (\$)
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
_____ -20 or HP = _____ x _____ = _____						
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
_____ -3 or HP = _____ x _____ = _____						
HP = highest number of independent claims paid for, if greater than 3						

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____				

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: Filing a brief in support of an appeal

500

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	35,933	Telephone	415-576-0200
Name (Print/Type)	Kevin T. LeMond			Date	1/18/05